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COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 18th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 26 March 1998, at 3 p.m.

Chairman: Mr. SELEBI (South Africa)

later: Mr. CHIRIBOGA (Ecuador)
(Vice-Chairperson)

later: Mr. SELEBI (South Africa)

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- (a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;
- (b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (agenda item 5) (continued)

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08.08.11.11 (2)

The meeting was called to order at 3 p.m.

STATEMENT BY MR. FEDERICO MAYOR, DIRECTOR-GENERAL OF THE UNITED NATIONS
EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

1. Mr. MAYOR (Director-General of the United Nations Educational, Scientific and Cultural Organization) said that UNESCO had been the first international organization to proclaim the importance of the Universal Declaration of Human Rights for all its activities, and particularly for those concerned with education and information, as well as the promotion of international understanding. Education in human rights, which was addressed to children and adults alike, called for an extremely wide range of measures concerning school life, extramural programmes and activities and teacher training, but also educational and cultural action in the community. That educational action must also take account of the interdependence between human rights on the one hand and democracy, peace and development on the other. UNESCO had not been content to promote human rights, it had striven to propagate a shared culture of human rights.

2. Never before, in theory, had human beings had so many rights; yet in practice, never before had so many people been deprived of their most fundamental rights, foremost among them the right to life, by conflict and poverty. The issue was not just one of economic and social rights, but also one of civil and political rights, for all rights were interdependent, indivisible and universal. In that context development was crucial, although that did not mean waiting for development before implementing human rights. Wherever flagrant violations of those rights were shown to exist, as in Afghanistan, the United Nations must take strong and effective action. No religious or cultural tradition could justify those violations.

3. It was time to make a firm commitment to implementing the rights set forth in the Universal Declaration of Human Rights adopted 50 years previously. The World Conference on Higher Education, to be held in Paris in October 1998, must be seen in that context. In a rapidly changing world, UNESCO strove to be at the forefront of the human rights movement, as evidenced by its General Conference having in November 1997 adopted the Universal Declaration on the Human Genome and Human Rights, and the Declaration on the Responsibilities of the Present Generations Towards Future Generations.

4. The struggle for human rights, development and democracy was a struggle against injustice, poverty and conflict. Market forces and mercantile interest led not to democracy but to inadmissible disparities, resulting in exclusion, extremism and conflict. Investment in peace was needed in order to save succeeding generations from the scourge of war, as the Charter of the United Nations proclaimed. Recalling that the United Nations had declared the year 2000 International Year for the Culture of Peace, he called upon all partners within the United Nations system and outside it, at the governmental and non-governmental levels, to engage in joint, concerted and synergetic action to that end.

STATEMENT BY MR. JONATHAN MOTZFELDT, PREMIER OF GREENLAND (DENMARK)

5. Mr. MOTZFELDT (Denmark), speaking on behalf of the Nordic countries, said it was regrettable that many indigenous peoples, whose role in the areas of sustainable development, conservation and management of the environment and biodiversity had been recognized, were socially, economically and politically marginalized and had to struggle for their physical and cultural survival. Indigenous peoples had looked to the United Nations in their efforts to obtain international recognition of and respect for their rights. Against that background, the Nordic countries considered that, in accordance with the proposal made by the World Conference on Human Rights, it was time to establish a permanent forum for indigenous peoples, which would report to the Economic and Social Council. He therefore proposed that the Commission should establish an open-ended ad hoc group to draw up a mandate for such a forum. The ad hoc group might draw inspiration from the workings of the Arctic Council, a forum in which Saami, Inuit and indigenous peoples of the Russian Federation participated.

6. The Nordic countries called upon Governments to work towards the early adoption of the draft United Nations declaration on the rights of indigenous peoples in the framework of the International Decade of the World's Indigenous People. They recognized the valuable contribution made by the Working Group on Indigenous Populations to ensuring that those populations' concerns were taken into account by United Nations bodies, and they confirmed their support for the Working Group. They also welcomed the initiation in 1997 of the fellowship programme financed by the Voluntary Fund for the International Decade of the World's Indigenous People. In that connection, he informed the Commission that in 1998 Greenland would host the first seminar to be held by the International Training Centre of Indigenous Peoples and the General Assembly of the Inuit Circumpolar Conference.

7. Greenland saw access to self-government, in its own case vis-à-vis Denmark, as a continuous process. The next stage in that process would be the renegotiation of the Mineral Resources Act providing for the administration of those resources to be transferred to Greenland. In the light of that experience, Greenland urged Governments to allow indigenous peoples threatened by assimilation, or even extinction, to take charge of their own lives and preserve their heritage. On behalf of the Nordic countries and the Saami and Inuit peoples, he stressed the importance of the International Decade of the World's Indigenous People and the need to offer indigenous peoples financial and moral support enabling them to participate and be represented in international bodies.

STATEMENT BY MR. ASDRUBAL AGUIAR, MINISTER OF THE SECRETARIAT OF THE PRESIDENCY OF VENEZUELA AND PRESIDENT OF THE NATIONAL COMMISSION ON HUMAN RIGHTS OF VENEZUELA

8. Mr. AGUIAR (Venezuela) said that the session of the Commission on Human Rights, which that year coincided with the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights, was taking place at a historic moment when humankind was faced with unprecedented challenges, but one which also augured well for constructive dialogue. The Commission's particularly full agenda bore witness to that. It included

questions of obvious topicality, such as the unjust international economic order, the increasing incidence of intolerance, the exploitation and prostitution of children, but also the right to development. The contemporary world, which had inherited the legacy of an epoch characterized by the arms race and the negation of inherent human freedoms, was now dominated by a number of dogmas and neo-fundamentalist trends - particularly in the area of trade - which tended to seize on the question of human rights and make it a divisive issue, whereas it should on the contrary be a factor in the regeneration of society.

9. The contemporary world found itself in a paradoxical situation. The experience of democracy was becoming more widespread, the State was less omnipresent, the insatiable quest for freedom was evident in every corner of the planet, and mass communications and access to information had developed to unprecedented levels. In those circumstances, an increase in individual responsibility and in citizen participation was to be expected. Yet contemporary humankind was more morally isolated than ever, and did not seem to have gained true freedom.

10. Venezuela mirrored faithfully the crucial period of transition that humanity was undergoing to a new millennium. The dwindling role of political parties and their representativeness, the unexpected failure of the financial system and a sudden drop in petroleum revenues had all led to a deterioration in Venezuelans' standard of living and a slackening in collective respect for human rights. The country was striving to overcome that situation through dialogue and unswerving adhesion to democracy. The programme it had adopted was one of economic liberalization with a human face, participating in globalization without overlooking the need for rigorous respect for the dignity of the individual. Concerted action between the State, workers and employers had enabled the social security system to be reformed and compensatory benefit programmes for the poorest to be maintained.

11. The many lessons learned from that national experience enabled Venezuelans to assert that the future offered no option other than a culture of peace: a peace embracing all human rights and responding to all human needs in a spirit of participation and mutual tolerance. In that connection, he paid tribute to the Director-General of UNESCO, who was at the origin of the Draft Declaration on the Human Right to Peace. As the Director-General had so rightly said, humankind must now achieve a transition from a period dominated by the idea that might was right, to a very different period in which reason would be the dominant principle. In that connection, the Government of Venezuela wished to express its strong support for the draft Declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. Similarly, his Government hoped that the negotiations on preparation of the draft optional protocols to the Convention on the Rights of the Child would be successfully concluded. Lastly, as in previous years, Venezuela would present, on behalf of the Group of Friends of the Secretary-General, a draft resolution on the situation of human rights in Haiti, a country that was more than ever in need of international aid and solidarity.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

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(agenda item 5) (continued) (E/CN.4/1998/10 and Add.1 and 2, E/CN.4/1998/21, E/CN.4/1998/22-E/CN.6/1998/11, E/CN.4/1998/23-27 and 110; E/CN.4/1998/NGO/3, 4 and 25; E/CN.4/Sub.2/1997/8; A/52/511)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 6) (continued) (E/CN.4/1998/28 and 29; E/CN.4/1998/NGO/64; A/52/473)

12. Mr. HITAM (Malaysia) said that the right to development should be at the forefront of the human rights agenda. His delegation therefore wholeheartedly supported the proposal to establish, in that area, a follow-up mechanism in the form of an open-ended working group, whose work would also be greatly facilitated by the appointment of an independent expert.

13. His delegation considered that, in integrating human rights issues into their programmes, United Nations agencies concerned with development must not lose sight of their main objectives. Thus, pursuant to its mandate, the United Nations Development Programme (UNDP) must assist developing countries in their efforts to achieve sustainable human development by building their capacity to design and carry out programmes and by giving priority to the eradication of poverty. The United Nations agencies could best further the cause of the right to development by concentrating on their mandates, rather than dissipating their energies in areas elsewhere, thereby aiming too high and achieving nothing. Furthermore, integration of human rights issues into their activities must not result in the imposition of conditionalities that might harm countries' legitimate development activities.

14. Currently, whole countries were denied the right to participate in matters that affected the lives of their citizens. Democracy could not survive, let alone flourish, when many low-income countries were among the least integrated into the world economy and when some of them had become even more marginalized over the past 10 years, experiencing both falling incomes and diminished participation in the world economy. The financial crisis in Asia had shown that even the best integrated countries were not sheltered from upheavals in the international economy. In Malaysia, a country that, thanks to strong economic growth, had managed to reduce poverty and to finance social programmes in the fields of education and health, families had seen their life

savings wiped out overnight. It was not the market, still less the speculators and the International Monetary Fund, that would speak up for those individuals' rights.

15. His delegation considered that the international community should not accept perpetual violations of the rights of millions of people. When extreme poverty prevailed, talk of human rights was meaningless. So long as the United Nations continued to be isolated from hard economic issues such as market access, terms of trade, financial flows and the debt problem, the right to development could never assume its proper place.

16. Mr. MOOSE (United States of America) said that the United States strongly believed that the right to development was the key to creating a world that was stable, secure and prosperous and that the highest responsibility of government was to promote conditions which would enable everyone to reach his or her full potential. Human rights and the right to development being convergent interests, the United States fully agreed with the High Commissioner that the role of human rights was to empower individuals and communities. The United States had a long history of bilateral assistance and international cooperation for development, especially for the benefit of less developed countries. Amongst other things, it had supported the quick implementation of the Heavily Indebted Poor Countries Initiative for countries which were carrying out encouraging economic reforms and it had recently launched a new initiative to encourage Africa's integration into the global trading system. That long history had taught many lessons. One of them was the great importance of fully integrating human rights into the development approach. It had also emerged that the countries which respected the rights of women and understood women's critical role in development were rewarded for their efforts twice over. While international assistance remained an important instrument for development, other factors also weighed heavily on the development process. It was no accident, for example, that the phenomenal economic growth in Latin America over the past decade had followed the wave of democratization and economic liberalization in the countries of that region. In addition to promoting individual enterprise and therefore the creation of wealth at the national level, the opening-up of political and economic systems encouraged foreign investment as well. In Latin America foreign investment had risen from \$5 billion to \$73 billion in just the past eight years. Two thirds of that amount was in the form of direct investment, which had created jobs and raised living standards in the countries of the region. The correlation between human rights and economic growth was also apparent in Africa, where the efforts of nations such as Ghana, Uganda and Botswana had helped Africa to achieve a growth rate of 4 per cent in 1997.

17. The United States fully endorsed the idea that the primary responsibility for the protection and promotion of human rights rested with Governments. The argument that underdevelopment was a valid excuse for limiting human rights was unacceptable, for repression was a cause and not a consequence of underdevelopment. Political repression in a closed economic system could never produce sustainable development. The role of the Commission was clear in that context. It needed to find practical ways to encourage an atmosphere in which people everywhere could realize their right to development. The various resolutions adopted on the subject could not

serve as a basis for a consensus approach since they did not reflect the views of many States, and it would therefore be useful for the Commission to try to find common ground on such an important issue.

18. The cause of human development was best served by practical solutions, and the United States reaffirmed its support for the rationalization of United Nations human rights activities undertaken by the Secretary-General and the High Commissioner for Human Rights. In conclusion, it firmly believed that true development did not come about by accident, by some decree, or by decades of discussion of the meaning of the right to development. It was the fruit of democracy, open markets, the rule of law and respect for human rights.

19. Mr. AL-ATTAR (Observer for Yemen) said that Yemen appreciated the Commission's efforts to promote the exercise of economic, social and cultural rights in order to enable the peoples of the developing countries to live decent lives. The enjoyment of human rights could not be guaranteed without sustainable development. Yemen was trying to achieve growth by opening up its economy and replanning the distribution of its national resources. Those economic, financial and administrative reforms were accompanied by a genuine policy of institutional democratization and popular participation. Unfortunately, the weakness of the national economy was impeding the attainment of those goals. At the international level Yemen, like other least developed countries, languished under the burden of external debt and did not participate adequately in trade. Under the combined effect of those factors the gap between Yemen and the industrial countries continued to widen. In addition, most of the resolutions adopted on the question of the right to development were not implemented. The exercise of human rights required the establishment of a new international economic order based on justice and equity.

20. Mr. ANTONIO (Observer for Haiti) said that, since the adoption of the Universal Declaration of Human Rights, the international community had concentrated its efforts on civil and political rights to the detriment of economic, social and cultural rights, as if human rights were divisible. The celebration of the fiftieth anniversary of the Declaration ought to be the occasion for self-examination in the light of the principles of universality and indivisibility which the Declaration set forth. The various means envisaged for promoting the effective enjoyment of economic, social and cultural rights included, as indicated in Commission resolution 1997/17, the appointment of a special rapporteur on those rights and the conclusion of an optional protocol to the International Covenant on Economic, Social and Cultural Rights. The moves to create additional institutional machinery for the promotion and protection of human rights were no doubt praiseworthy but they would remain ineffective unless they were accompanied by an action programme. In that context the Haitian delegation believed that the problem of human rights should move on from the stage of expert discussion to become a universal concern. The international community must display in that regard a united, firm and constant political will.

21. The least developed countries, including Haiti, were encountering a number of difficulties, stemming in particular from the debt burden and structural adjustment policies, which impeded the effective enjoyment of

economic, social and cultural rights by the whole of the population. Those States faced a serious dilemma: on the one hand they had to adjust their economies in order to integrate themselves better into the world economy, and on the other hand they had to work for the realization of the economic, social and cultural rights of their peoples. Even if those two goals were not contradictory in the long term, in the short or even medium term they were rendered irreconcilable by the conditions attached to structural adjustment policies, such as the reduction or elimination of social expenditure. The international financial institutions persisted in advocating drastic reforms which might erode respect for human rights, as if those institutions did not belong to the United Nations system. Hence the need to strengthen cooperation still further within the system. Given that the economic adjustments were necessary, it must be accepted that growth was not to be achieved at the expense of well-being, for the economy must serve the people and not vice versa. Only an integrated programme for the promotion of human rights which brought together the main players, in accordance with the Vienna Programme of Action, could contribute to the effective realization of economic, social and cultural rights; otherwise, the Commission might find itself deploring for a long time yet the lack of respect for human rights.

22. Ms. FLOWERS (United Nations Children's Fund) briefly recapitulated the Fund's history and said that its mission - to ensure the survival, protection and development of children - coincided with development imperatives. The Convention on the Rights of the Child illustrated the essential principles of the Declaration on the Right to Development and reaffirmed that the fundamental human rights were indivisible and interrelated. The international community had a duty to render the implementation of the Convention universal in all countries, especially the poorest, so that all children could enjoy their rights without discrimination. Guided by those values, UNICEF was collaborating closely with the Committee on the Rights of the Child and supported the activities of Governments in application of the Convention. UNICEF believed that the Convention on the Rights of the Child should serve as a reference point, in particular for the purposes of cooperation under the recently established United Nations Development Assistance Framework. Promoting respect for the fundamental rights of children was the most effective means of helping States to achieve their national development priorities.

23. At the international level UNICEF's strategy was to give new meaning to cooperation, which was currently experiencing an identity crisis. Emergency assistance and humanitarian aid had long been a way to transfer resources to the poorest people. Those flows were currently being cut back, a trend that must be reversed. Globalization should not serve as a pretext for abandoning the most disadvantaged and destitute families to their fate. Quite the contrary, globalization was acceptable only if it reinforced international cooperation and reduced disparities.

24. Mr. MOORE (Food and Agriculture Organization of the United Nations) said that in its resolution 1997/8 the Commission had endorsed the request made to the High Commissioner for Human Rights in the World Food Summit Plan of Action that, in consultation with the relevant treaty bodies, the High Commissioner should define better the rights related to food set forth in article 11 of the International Covenant on Economic, Social and Cultural Rights and propose

ways to implement and realize those rights as a means of achieving the commitments and objectives of the World Food Summit. In May 1997 the Director-General of his organization and the High Commissioner for Human Rights had concluded a memorandum of understanding which had led to particularly fruitful cooperation in regard to the rights related to food. In that connection his organization welcomed the publication of the High Commissioner's report on the Consultation on the Right to Adequate Food (E/CN.4/1998/21).

25. His organization had focused primarily on practical ways of helping countries to improve their food security and implement the World Food Summit Plan of Action. With that end in view it had played a leading role in the development of Food Insecurity and Vulnerability Information Mapping Systems (FIVIMS). The systems in question should help countries to measure their progress with respect to food security. The organization had also continued to expand its special programme on food security in low-income food-deficit countries. He hoped that the Commission would continue to support the discussion of rights related to food and their implementation. To meet the ambitious target set by the World Food Summit, namely to reduce the number of undernourished people to half its present level by 2015, a united effort must be made by all the organizations of the United Nations system, NGOs and other elements of civil society. His own organization regarded its continuing cooperation with the High Commissioner for Human Rights as an essential element of that effort.

26. Mr. Chiriboga (Ecuador). Vice-Chairperson, took the Chair.

27. Mr. de SANTA CLARA GOMES (Observer for Portugal) said that Portugal attached great importance to the realization of economic, social and cultural rights and intended, together with a number of other sponsors, to table a draft resolution on the subject. In that connection the main concern of the Portuguese delegation was to be pragmatic and to reflect the general sentiment of participants and the preoccupations expressed by the Secretary-General and the High Commissioner for Human Rights. The resolution submitted to the present session would therefore be a streamlined one. The exercise of a specific right, namely access to free primary education, would be posited as a right of capital importance for the realization of economic, social and cultural rights. Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights clearly justified that choice.

28. Since all the other economic, social and cultural rights deserved increased attention from Governments and the international community, Portugal also fully supported the action taken by other delegations, such as the French initiative on the alleviation of extreme poverty and the Cuban initiative on the basic right to food. Moreover, consideration must be given to the question of the undeniable responsibilities in the promotion of human rights which should be borne by the new players, such as private companies and the major financial and commercial corporations; he referred the Commission to the statement made on that subject by the Foreign Minister of the Netherlands, Mr. van Mierlo. It was also of capital importance to work closely with international organizations such as the International Monetary Fund and the World Bank in order to expand their human rights activities. Finally, the role of civil society, in particular NGOs, in the field of economic, social

and cultural rights, must be enlarged and taken into account in the activities of United Nations human rights bodies. Portugal supported the suggestions made by the Committee on Economic, Social and Cultural Rights, in particular the adoption of a plan of action to strengthen the implementation of the International Covenant on Economic, Social and Cultural Rights.

29. Mr. KHELIFI (Observer for Algeria) emphasized the persistent inequality in the treatment of the two categories of human rights, namely individual rights and collective rights, including the right to development. He added that the former ideological confrontation had been replaced by a new dichotomy based on the level of economic development. However, the Declaration on the Right to Development, like the Vienna Declaration and Programme of Action, clearly recognized the right to development as a universal and inalienable right forming an integral part of the fundamental rights of the human person. The right to development of the countries of the South was a decisive factor for balance, peace and stability in the world. In the age of globalization, there could be no real peace in the world and no certainty of prosperity in the North if the South did not succeed in overcoming the global factors of underdevelopment and offering new prospects to its population.

30. The theory that the recognition of civil and political rights would inevitably lead to economic prosperity had been confronted with the realities of the developing world. Thus, the efforts that were being made to establish democratic systems guaranteeing fundamental freedoms had encountered legitimate socio-economic grievances which, in some cases, could provoke political instability and pose a threat to democratic achievements. In fact, the present situation of the countries of the South, and particularly the least developed among them, remained characterized by social precariousness, poverty and the increasingly crippling burden of external debt.

31. In order to narrow the widening gap in the field of economic development, the international community should show solidarity and resolutely turn its back on egoistic statements concerning national preference. The destiny of mankind could only be common and interdependent. The problems of development should be viewed in the light of important questions such as structural adjustment, external debt, development funding, equitable participation by the countries of the South in international trade and their access to new technologies. The question of economic sanctions, which had recently been raised by the Committee on Economic, Social and Cultural Rights, merited special attention by United Nations bodies due to its grave consequences for the full enjoyment of economic, social and cultural rights and the realization of the right to development.

32. At the present time, there was a universal and imperative need for solidarity, a global cooperative approach and a more sustained commitment in favour of a world order that would guarantee balanced and shared development.

33. Mrs. SANCHEZ REYES (Observer for Nicaragua) said that human rights were based on the dignity of the human person, but extreme poverty was seriously prejudicing that dignity. In that connection, it should be remembered that civil and political rights could not be fully protected if economic, social and cultural rights remained unprotected, and vice versa, and that the right to development was a fundamental right.

34. Nicaragua was applying a sustained development strategy under which all those rights were protected, and the country had made notable progress in that field. Today, Nicaragua was a democracy in which freedom of expression reigned and civil society was participating fully in decision-making. In the previous year, the Government had established the Office of the Procurator for the Defence of Human Rights.

35. However, much remained to be done to overcome the obstacles impeding the full enjoyment of human rights in Nicaragua. The main obstacles were extreme poverty, unemployment, external debt and the housing shortage. Nicaragua hoped that the international community would help it to overcome those difficulties.

36. Nicaragua supported the proposals made by the Intergovernmental Group of Experts on the Right to Development in its report on its second session. Nicaragua also supported the initiatives of the Office of the High Commissioner concerning microcredit programmes; those programmes would help to combat unemployment and, consequently, extreme poverty and would assume particular importance for Nicaraguan women, who were frequently their families' breadwinners.

37. Mr. CASTRO GUERRERO (Observer for Colombia) felt that it was important to recall some figures: at present, more than 1.3 billion human beings were living in conditions of absolute poverty, 2 billion persons were illiterate, 840 million were suffering from hunger and, even in the industrialized countries, more than 100 million persons were living below the poverty line. The international community should promptly seek to rectify those injustices, which threatened peace, security, democracy and the stability of the international order.

38. In order to ensure the full exercise of the right to development, States should guarantee participation by the population in economic, social, cultural and political development. For its part, the international community should endeavour to ensure that the right of peoples to self-determination could be exercised unconditionally and with due regard for national sovereignty and for building a strong and fair economic environment.

39. The right to development formed part of the holistic concept of human rights. Consolidation of the rule of law and popular participation should go hand in hand with improvement of the standard of living and the eradication of poverty and illiteracy. Such developments were feasible only in a favourable economic environment. However, as had been confirmed in the Report on Human Development for 1997, due to the structure of the world market only the industrialized countries were enjoying the benefits of growth, the developing countries being left to one side.

40. Accordingly, in its capacity as Chairman of the Non-Aligned Movement, Colombia welcomed the adoption by the General Assembly of the Agenda for Development, which designated development as one of the priorities of the United Nations.

41. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that the international community had not really begun to rectify the imbalance between

civil and political rights on the one hand, and economic, social and cultural rights on the other, until 1976, when the International Covenant on Economic, Social and Cultural Rights had been adopted. That process of restoring equilibrium had continued in 1986 with the adoption, by the General Assembly of the United Nations, of the Declaration on the Right to Development, and in particular by the adoption in 1993 of the Vienna Declaration and Programme of Action, in which those two categories of rights were placed on an equal footing and declared to be indivisible. The World Conference on Human Rights had also reaffirmed that the right to development was a universal and inalienable right.

42. Nevertheless, some were still seeking to give the impression that economic, social and cultural rights were second-class rights. It should also be emphasized that, in terms of follow-up, there was a wide gap between economic, social and cultural rights and civil and political rights. Accordingly, the Iranian delegation fully supported the recommendation of the Intergovernmental Group of Experts on the Right to Development that a mechanism should be established to monitor the application of the Declaration. An open-ended working group of the Commission could be mandated to review the progress achieved in the promotion of the right to development, to assess the obstacles impeding the realization of that right and to recommend practical measures to overcome them.

43. For all States, the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights should provide an opportunity to forge a dynamic global partnership in order to ensure respect for the right to food, housing, health, education and employment, of which millions of persons throughout the world were still deprived, largely as a result of the existence of an unfavourable international economic environment.

44. Mrs. WOLF (International Federation Terre des Hommes) said that extreme poverty was a scourge that was far from predetermined and it could be obviated. For example, the Chiapas region in Mexico possessed considerable natural resources but they were in the hands of a local elite. The region was inhabited by an impoverished Indian population. Fourteen thousand persons had been obliged to abandon their homes due to the reign of terror brought about by paramilitary groups, particularly since the massacre at Acteal in December 1997 which had cost 45 lives, the vast majority being women and children. There was ample proof of the links between the paramilitary groups, the local authorities and the army. The persons who had thus been displaced were currently living in extreme poverty.

45. In Colombia, the activities of the paramilitary groups had a direct bearing on the mass exodus of the rural population towards the cities, where they lived in extreme poverty and where their children were deprived of their right to education, health and suitable housing and were exposed to sexual exploitation.

46. The paramilitary groups, which were linked to the economic decision makers, and particularly the large landowners, in the regions concerned, had neither been punished for their acts nor rendered harmless and, according to the People's Advocate, were acting as the illegal arm of the forces of law and order.

47. The International Federation Terre des Hommes called upon the Commission to make the recommendations needed to facilitate the return of the displaced persons to their homes in secure conditions.

48. Mrs. TOM (Caritas Internationalis) said that the World Conference on Human Rights had called upon the international community to make every effort to alleviate the external debt burden of the developing countries in order to supplement the efforts of the Governments of those countries to attain the full realization of the economic, social and cultural rights of their people (Vienna Declaration, I. 12). Caritas Internationalis was well aware of the effects of debt on the daily lives of the poor, with whom it was in daily contact at the grass-roots level. As had been asserted by Cardinal Etchegaray, debt servicing should not be effected at the cost of stifling a country's economy and no Government had the moral right to require its people to accept hardship that was incompatible with human dignity.

49. Attempts had been made to reduce the debt of the poorest countries, particularly through the Heavily Indebted Poor Country Initiative. However, in order to benefit from that initiative, countries had to agree to take structural adjustment measures which, although they could have a beneficial effect on the economy, could also help to worsen the living conditions of the population, particularly in regard to education, health, housing and employment.

50. Caritas Internationalis and International Cooperation for Development and Solidarity were therefore calling for the cancellation of the debt of the most impoverished countries by the year 2000. In April 1998, the two organizations would be publishing a booklet entitled Putting Life before Debt in which they would be making various recommendations for a just and lasting solution to the debt problem.

51. Mr. WAREHAM (International Association Against Torture) said that the right to development was one of the keys to the enjoyment of all other human rights. For a long time the European countries had exercised that right for their sole benefit, by ruthlessly pillaging the human and natural resources of the peoples whom they had colonized. Today, the developing countries were repeatedly being told that they could not exercise their right to development unless they adopted the rules of the free market. However those rules were double-edged, as the Asian "tigers" were currently finding out to their cost, since they would have to submit to the diktat of the International Monetary Fund, the World Bank and the World Trade Organization, a constraint which would further impoverish the population.

52. In the United States, the gap between rich and poor was constantly widening. The Black community was being denied the right to development by those very persons who had built their power and their wealth on the stolen labour of that community which, through its underdevelopment, literally constituted a "South in the North".

53. During his tour of Africa, President Clinton had half-heartedly acknowledged the damage caused to Africa by slavery. The International Association Against Torture believed that the United States had an obligation to make amends. However, the President of the United States had other things

in mind. He was in Africa to do business and hoped that the United States would be able to profit from the exploitation of Africa's vast and cheap natural and human resources.

54. With regard to Cuba, the United States, not content with perpetuating its embargo of that small island, was endeavouring, through the Helms-Burton Act, to interfere in the economic relations that sovereign nations wished to maintain with Cuba. That was yet another violation of the right to development which the Commission should unequivocally condemn.

55. The international community should apply resolution 52/136 in which the General Assembly noted that lasting progress towards the implementation of the right to development required effective development policies at the national level, as well as an equitable economic environment at the international level.

56. Mr. ROMAZZOTTI (International Movement ATD Fourth World) said that it was in 1989 that the Commission on Human Rights had acknowledged, for the first time, that extreme poverty constituted a violation of human dignity. In 1992, the General Assembly had proclaimed 17 October as the International Day for the Elimination of Poverty. That date had not been chosen by chance, for it was on 17 October 1987 that, at the proposal of Father Joseph Wresinski, a flagstone commemorating the victims of poverty had been inaugurated in the parvis des libertés et des droits de l'homme (Human Rights and Freedoms Square) in Paris. The General Assembly had also proclaimed the decade 1997-2006 as the United Nations Decade for the Elimination of Poverty.

57. The study on extreme poverty that had been undertaken by Mr. Leandro Despouy represented a source of intense hope for the poorest persons, who should not be disappointed; the study provided information that was indispensable for the formulation of an effective policy to combat poverty.

58. The World Summit at Copenhagen had called upon Governments to promote participation by the most disadvantaged and had also called for the establishment of associations of poor persons so that they could make their voices heard. Measures should therefore be taken to ensure that the poorest could participate, without fear, in national negotiations to combat poverty.

59. In that regard, the Commission on Human Rights might carry out a study on the conditions for participation by the poorest in national policies and international programmes to combat poverty, in collaboration with the Commission for Social Development, in consultation with extremely poor persons, families and sections of the population and with the support of NGOs. The International Movement ATD Fourth World fully supported the Indian delegation's proposal that a declaration on human rights and extreme poverty should be drafted, on the understanding that extremely poor persons and the NGOs working with them in the field should participate in that project.

60. Mrs. GHENNET GIRMA (African Association of Education for Development) said that on the previous day, the Chairman of the Meeting of Persons chairing Human Rights Treaty Bodies had spoken very pertinently of the indivisibility

of economic, social and cultural rights when referring to the indivisibility of human rights. In the era of globalization and liberalism, powerful countries and transnational corporations certainly had every interest in keeping quiet about those rights.

61. In order to reverse that trend, States which had ratified human rights instruments had to be called to account and associations and trade unions had to be fully associated in the protection of those rights. That meant that States had to respect fundamental rights such as freedom of expression and the right to set up trade unions.

62. As the Intergovernmental Group of Experts on the Right to Development had so rightly stated in its report on its second session (E/CN.4/1998/29, para. 83), States should adopt the principle of recognizing and enlarging the role of civil society organizations in the economic, social and political life of their countries. In particular, civil society groups representing vulnerable groups or the public interest should have an opportunity to play an active role and to defend their interests in arenas of local and national decision-making. States should also establish, at the national level, consultative bodies on the right to development, which could complement the existing ones, when appropriate, and include representatives of civil society, to provide proposals on the monitoring and implementation of the right to development in their countries.

63. In conclusion, the African Association of Education for Development regretted that in his statement Mr. Richardson, the Ambassador of the United States, had criticized the human rights record of a number of countries, especially China, although he had spared other countries where the human rights situation was even more dramatic.

64. Mr. SHARMA (Afro-Asian Peoples Solidarity Organization) commented that development was no longer a purely socio-economic issue, but was increasingly taking on political overtones. That was inevitable when discrimination based on religion or sex was embodied in the Constitution and institutions of some countries. That was the situation in Pakistan, for example, where Hindus, Christians, members of minority sects like the Ahmediyas and women were relegated to the lower rungs of the social ladder. That was also the case in Afghanistan, where the Taliban were imposing their laws on men and women and not allowing the latter access to education. Similarly, in Jammu and Kashmir, armed groups were depriving other members of society of any freedom of choice or expression.

65. The Afro-Asian Peoples Solidarity Organization hoped that the international community would vigorously denounce groups and countries, no matter how powerful they were, which backed those forces of oppression on the pretext that they were protecting their interests.

66. Mr. LADOR (Earth Justice Legal Defense Fund) pointed out that the Commission had decided not to include a separate item concerning human rights and the environment in the agenda of the current session, although significant events had taken place in the world in that respect; for example, the Economic Commission for Europe had drawn up a draft international convention which took account of the environmental dimension of civil and political rights. That

convention was due to be opened for signature in June of the current year. Furthermore, in its report on the human rights situation in Ecuador, the Inter-American Commission on Human Rights had helped to provide a realistic picture of fundamental environmental rights. On the basis of on-the-spot observations and expert testimony, the Inter-American Commission concluded that the deterioration in the environment caused by prospecting for oil in areas inhabited by indigenous peoples was likely to entail infringements of their fundamental rights, including the right to safety and physical and moral inviolability. In that connection, the Inter-American Commission stressed the importance of informing the general public and of its participation in decision-making. It also underlined the Government's responsibility to protect human rights, even though the oil industry was being run not by the Government, but by commercial entities.

67. As far as normative action was concerned, the International Union for Conservation of Nature and Natural Resources (IUCN) was endeavouring to draw up a draft covenant on environmental conservation and sustainable use of natural resources and an Earth Charter. The plan to appoint an international mediator for human rights and the environment was likewise attracting continued attention.

68. In a related sphere, the Fund had welcomed the report of the Special Rapporteur on toxic wastes and hoped that she would be able to continue her work.

69. The Fund considered it vitally important that all bodies responsible for defending human rights should give serious consideration to the issue of human rights and the environment within the framework of their respective mandates. The final report of the Sub-Commission's Special Rapporteur on human rights and the environment contained some useful conclusions and recommendations on that subject.

70. Mr. SINCLAIR-NGATI POROU (Movement against Racism and for Friendship between Peoples), speaking on behalf of the Maori community of Aotearoa in New Zealand, said that at a time of efforts to reach a consensus on the notion of the right to development, it was essential first to specify all the things that development should not be. Development was unthinkable if it took place regardless of ecosystems' ability to regenerate, if its beneficial and harmful effects were not equitably distributed and if it did not meet the essential needs of the human being. Nor should development be monopolistic and anti-democratic.

71. Prospecting for and the consumption of the Earth's resources could not continue at the current pace. It was apparent, even in a country as environmentally privileged as New Zealand, that it was vital to re-examine the notion of development completely if a worldwide disaster was to be avoided. In New Zealand, fish stocks were being severely depleted and deforestation had taken on vast proportions. Direct foreign investment, which had reached a record level, far from creating wealth, had immediately been reflected in reorganization and the privatization of public assets. The living standards of New Zealanders had fallen abruptly, the country's foreign debt had risen and profits from assets which had once belonged to the country were being transferred abroad. In fact, profits had been privatized and social debt

nationalized. The ideology of a minimalist State and individual responsibility which the country had embraced was hollow and totally unequal to the task of community development.

72. The Maori community was encouraged by the fact that the European Parliament had voted against the Multilateral Agreement on Investment. In New Zealand the Maoris, who had demanded that the Government should hold a public debate on the Agreement and its implications, especially for the country's sovereignty, had likewise rejected it because it gave absolute power to transnational companies; they were answerable to no one and the most powerful of them had their headquarters in rich countries.

73. In conclusion, his organization supported India's recommendation that an expert be appointed to examine the question of development, and especially the impact of commercial agreements on human rights and national sovereignty.

74. Mr. Selebi (South Africa) took the Chair.

75. Mrs. SHORT, followed by Mrs. SINHA (Socialist International), said that at present the world tended to stress economic growth at all costs, even that of unemployment. A former British Prime Minister had said that "it was a price worth paying". While it was true that growth had enabled many people to advance, it had to be remembered that progress had been patchy and more than a third of the world's population did not have a dignified standard of living. Millions of women and children were bereft of any form of assistance. Women made up almost two thirds of the illiterate population in developing countries. The South had an infant mortality rate approaching 10 per cent.

76. Socialist International did not accept the idea that human rights were a luxury that only rich countries could afford. The organization considered that civil and political rights and economic, social and cultural rights were two sides of the same coin. It was not a question of choosing between them. All human rights required protection and that was why Governments had to accept that the international community should scrutinize the way in which human rights were respected. In that connection, Socialist International wished to make it clear that the industrialized countries of the North did not have a monopoly in that field. After all, it was the barbarous acts committed in Europe that had induced the world community to proclaim the Universal Declaration of Human Rights. The Human Rights Committee of Socialist International was currently giving priority attention to the issues of racism and xenophobia and to the denial of migrant workers' rights in Europe and other parts of the world.

77. Mrs. OLSTHOORN (Minority Rights Group International) said that in its report (E/CN.4/1998/29) the Intergovernmental Group of Experts on the Right to Development had invited States to adopt economic and social measures to prevent groups marginalized by their extreme poverty from being deprived of the right to development. In that context indigenous communities and minorities were the poorest of the poor. If conflicts were to be avoided in the future, it was essential to strive towards the realization of the right to development without disregarding minorities' rights. As stipulated in article 4 (5) of the Declaration on Minorities adopted by the United Nations in 1992, persons belonging to minorities had to participate fully in the

economic progress and development in their country. Minority Rights Group International had recently convened a conference on that theme. Her organization therefore recommended that the Commission on Human Rights should establish a mechanism to monitor the application of the Declaration on the Right to Development which took due account of the situation of minorities.

78. The CHAIRMAN declared the debate on agenda items 5 and 6 closed.

INDIGENOUS ISSUES

79. Mr. URRUTIA (Chairman-Rapporteur) presented the report of the third session of the working group established in accordance with Commission on Human Rights resolution 1995/32 for the purpose of elaborating a draft declaration on the rights of indigenous peoples (E/CN.4/1998/106). He first wished to make it clear that he and the working group used the terms "peuples autochtones" (indigenous peoples) and "populations autochtones" (indigenous peoples) indistinguishably, and without prejudice to the positions adopted on that matter by delegations.

80. Whenever possible, the working group had held unofficial meetings to permit as free a discussion as possible among all participants. Official meetings had been reserved for general statements and the adoption of decisions on articles on which there had been consensus. The participation in the debates of more than 123 indigenous and non-governmental organizations, alongside government delegations, was a ground for satisfaction.

81. Specifically, article 43 of the draft declaration, which concerned equality of the sexes and article 5 dealing with nationality, had been adopted at first reading. The amendments proposed to other articles were set out in annex 1 to the report; they would be examined at the working group's next session. Moreover, there had been a wide-ranging exchange of views about the notion of self-determination set forth in article 3 of the draft declaration. The debate had made it possible to clarify positions, so that it would be easier to reconcile different points of view.

82. The Chairman-Rapporteur believed that the working group's mandate should be renewed so that it could continue its activity. In addition, he asked all participants to show flexibility and mutual understanding. Improving the text was not synonymous with limiting the scope of the legitimate rights of indigenous populations.

Statements made in exercise of the right of reply

83. Mr. SIMAS MAGALHAES (Brazil) explained that he had requested the floor so as to invite dialogue rather than exercise a right of reply. At the previous day's meeting, the non-governmental organization called the International Indian Treaty Council had accused Brazil of negligence and laxity over the fires which were ravaging the north of the country. The Brazilian Government was fully aware of Amazonia's biological diversity and it was wrong to say that it had done nothing to deal with those tragedies. Brazil had requested the collaboration of its Argentine and Venezuelan partners. Nor was it true that Brazil had refused to cooperate with the

Department of Humanitarian Affairs of the United Nations. Some 1,200 to 1,300 persons were at present deployed in the Amazonian forest. The Government had already devoted 4 million dollars to the activities in question. All foreign assistance would be welcome.

84. **Mrs. DIOGO** (Portugal) said that on the previous day the representative of Indonesia had declared that the inhabitants of East Timor had already stated their readiness to accept Indonesian sovereignty. The Portuguese delegation could not accept that assertion, which was also contradicted by the fact that the Indonesian Government had not given the inhabitants of those territories an opportunity to express an opinion about their future. The General Assembly and the Security Council had clearly indicated in several resolutions that the right to self-determination had not been exercised. Mr. Jaime Gama, as representative of the administering Power recognized by the United Nations, had therefore addressed the Commission in order to call attention to the serious violations of human rights in East Timor.

85. **Mr. HENDRASMORO** (Indonesia) said that he did not intend to reply to the allegations of the Portuguese delegation by repeating himself.

The meeting rose at 6.10 p.m.



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SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,

on Friday, 27 March 1998, at 10 a.m.

Chairman: Mr. SELEBI (South Africa)

later: Mr. HYNES (Canada)

(Vice-Chairman)

later: Mr. SELEBI (South Africa)

(Chairman)

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GE.98-11406 (E)

The meeting was called to order at 10.05 a.m.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF MEXICO

1. Ms. MORENO (Mexico) said that the promotion and protection of the rights of indigenous peoples formed an essential part of her Government's agenda. A multi-ethnic society, Mexico had inherited a rich culture which was an integral part of its present and its future. Diversity was a characteristic of the country. There were 56 ethnic groups speaking 71 indigenous languages. Each group had its own identity and culture, of a richness that contrasted strongly with the continuing poverty, backwardness and marginalization experienced by many of the country's indigenous communities.

2. Her Government was therefore committed to promoting economic and social development, particularly in indigenous areas while, at the same time, strengthening the rule of law. Poverty, injustice and marginalization were part of the current Mexican reality, but her Government was determined that they should not be part of the country's destiny. All Mexicans had the right to aspire to the same opportunities and they should have the possibility of exercising that right. Article 4 of the 1992 constitutional reform enshrined those principles, but it did not go far enough. The President had recently put a series of reforms before the Senate, as part of the process of achieving a just and honourable peace in Chiapas through the San Andrés Accords. Her Government was committed to the Accords and believed that the conflict should be resolved without violence, through dialogue and negotiation.

3. The President had proposed a new and constructive relationship between the indigenous people and the State. It was a new social pact that would redress the inadequate representation of indigenous people in Mexico's democratic life. It gave legal force to the right of indigenous communities to free association, so that they could participate in the promotion of their economic and social development. The marginalization of the indigenous people and the debt owed them by the Mexican nation were a 500-year-old problem that could not be resolved in a few months.

4. Mexico had been the first country to establish a multicultural and multilingual policy, incorporating indigenous language teaching in educational programmes and providing interpretation in the law courts. The National Indigenous Institute had existed for over half a century. Mexico was also the headquarters of the Inter-American Indigenous Institute.

5. There had been wide consultation on legislation concerning indigenous human rights issues. Mexico supported the activities of the International Decade of the World's Indigenous People, the proposal to establish a permanent forum for indigenous peoples within the United Nations system and the adoption of a declaration on the rights of indigenous peoples. It was also one of the few States parties to the 1989 Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries of the International Labour Organization (ILO).

6. Some non-governmental organizations (NGOs) had attributed the poverty of the indigenous people, the agrarian conflicts in Chiapas and the uprising of the Ejército Zapatista de Liberación Nacional (EZLN) to economic restructuring

in general and the North American Free Trade Agreement in particular. That was not surprising. The Chiapas conflict had been manipulated and a complex issue had been oversimplified and politicized in order to demonize free trade and globalization. Her Government invited the NGOs to become part of the solution in Chiapas, not part of the problem.

7. Mexico undoubtedly suffered from a searing poverty that was offensive to all its citizens. Undoubtedly, also, the indigenous peoples were victims of historic injustices. It was not a recent phenomenon, however; still less was it a result of the efforts and sacrifices made to restructure the economy and become competitive in the modern world. Indeed, the strategy of dynamic and sustained economic growth had produced extremely positive results and, despite the 1994 crisis, the economy had grown.

8. Many programmes had been launched to improve the education and health of indigenous communities. Social welfare expenditure had risen from 284,019 million pesos in 1997 to 352,218 million pesos in 1998, of which 41 per cent went on education, 23 per cent on health and 21 per cent on social security. The education budget in Chiapas had risen by 32 per cent from 1996 to 1997. In 1997, 18 colleges had opened there and a technological university had been established at Ocosingo. Of the 7.5 million free textbooks distributed, 390,000 were in indigenous languages. Chiapas received a higher proportion of federal poverty-alleviation funds than any other State.

9. Mexico was going through a stage of fast-moving democratic modernization. The President's proposed reforms would need to be approved by two thirds of Congress and a majority of the State legislatures. Since both bodies were composed of properly elected representatives of the various political parties, the proposed reforms to the Constitution would be an authentic expression of the popular will. It was to be hoped that, through dialogue and cooperation, all Mexicans, including the Zapatistas, would show enough political maturity to establish a new relationship between the State and the indigenous peoples.

INDIGENOUS ISSUES (agenda item 23) (E/CN.4/1998/11 and Add.1, 106 and Corr.1 and 107; E/CN.4/Sub.2/1997/14, 15 and 17 and Corr.1; A/52/509)

10. Mr. CHAVEZ (Peru) said that, as was to be expected of a multi-ethnic and multicultural society, indigenous people in Peru enjoyed special protection for their rights. All had the right to use their own language: Quechua and Aymara, for instance, were official languages in the areas where they predominated. Peru contained 72 ethno-linguistic groups, more than any other on the American continent. Indigenous communities had a legal status, were autonomous and had jurisdiction within their spheres of responsibility. They enjoyed full ownership of their lands.

11. At the national level, a ministry for the promotion of women and human development had been established with a view to helping the most vulnerable sectors of society, including indigenous people. Peru participated in all international bodies dealing with indigenous issues, particularly the Treaty for Amazonian Cooperation, which had programmes to help indigenous populations in the South American rainforest, of which Peru possessed the second largest area. Peru was also one of the few countries to have ratified

the 1989 ILO Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries, which currently provided the best protection for indigenous peoples' rights.

12. In the light of Peru's excellent record on such rights, his delegation attached particular importance to the activities of the working group to elaborate a draft United Nations declaration on the rights of indigenous peoples, as contained in its report (E/CN.4/1998/106). Significant progress had been made with a difficult task. The initial success showed that, through open and constructive dialogue, it was possible to reach the desired objective.

13. Like other Governments, his own had been carefully considering whether a permanent forum for indigenous peoples should be established. No final decision had been reached, but the nature of such a forum should continue to be discussed, with the participation of indigenous people. The priority issue was the definition of the forum's mandate since, pending such a definition, many Governments would view the establishment of a forum with considerable caution. That, in turn, depended largely on the final form taken by the draft declaration on the rights of indigenous peoples.

14. It would be premature to state a preference for the way in which a permanent forum would fit into the Organization's structure. As for funding, his delegation believed that it should come from the United Nations regular budget, without prejudice to any voluntary contributions that it might attract. In view of current budgetary restrictions, additional resources could not be contemplated and the costs would have to be met by the elimination of less important activities.

15. Mr. ZOZULYA (Ukraine) said that the protection and promotion of the rights of indigenous peoples contributed to the stability of multi-ethnic societies, especially in countries with economies in transition. A strong declaration on the rights of indigenous peoples and the establishment of a permanent forum within the United Nations system were the two central goals of the International Decade of the World's Indigenous People. Attempts by the representatives of indigenous people or of NGOs to bring charges against Governments in the working group or to raise specific issues should be resisted.

16. Drafting the declaration seemed to be a complex and time-consuming affair, since there was still no consensus on some important provisions. It was an example of non-productivity in the Commission's work, given that a draft declaration had been elaborated within the Sub-Commission in 1985 and approved in 1994. Governmental delegations had started work on the draft, however, only in 1995.

17. He reiterated his delegation's view that the ethnic groups should be classified. At very least a distinction should be made between indigenous groups that led a tribal way of life and those that were integrated into society. In the case of the latter, the issue of self-identification of a people as indigenous could be valid only as an additional, and not as fundamental, criterion. As it stood, the main flaw of the draft was that it

was heavily weighted towards tribal people and could not, as currently worded, be considered universal. It was permeated by isolationist tendencies and condemned the assimilation and integration of indigenous people.

18. The lack of a definition of "indigenous people" was yet another shortcoming. The imbalance should be rectified and the text brought into line with internationally recognized human rights standards and national laws. That would make it a declaration of the rights of indigenous peoples in post-colonial conditions and a logical development of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The rights of indigenous peoples in non-colonial situations would thus be considered within the context of internal self-determination and autonomy.

19. In view of the sensitivity of the issue, the declaration should also include provisions strictly prohibiting any action to dismember or impair the territorial integrity or political union of sovereign States. No interpretation of the declaration running counter thereto should be permitted. His delegation also supported the view that the use of the term "people" in the declaration should have no implications regarding the right to self-determination or any other rights that might be attached to the term under international law. Excessive politicization should be avoided in the activities of the Working Group on Indigenous Populations.

20. Ukraine faced some great difficulties - legislative, organizational and financial - in connection with the resettlement of indigenous people deported from the Crimea during the Soviet totalitarian period, particularly the Crimean Tatars, the Karaites and the Krymchaks. His Government planned to allocate an additional \$100 million from the State budget for the period 1997-2000, but that would not be enough to ensure normal living conditions for the resettled people. While it was grateful for the assistance received from various international organizations and would welcome any international assistance, charitable or governmental, to reduce the hardship of the resettled peoples, his Government was well aware that funding was its responsibility and would depend on the success of the economic reforms in the country.

21. Mr. FLORUTTI (Argentina) said that the working group elaborating the draft declaration on the rights of indigenous peoples had gone some way towards reaching consensus, although the task was a difficult one, given the differences regarding the criteria to be adopted. In that connection, it was worth noting that negotiations on an inter-American declaration on the rights of indigenous peoples were well advanced and might form a useful model for those drafting the United Nations declaration.

22. The other main objective of the International Decade of the World's Indigenous People - the permanent forum - should, like the draft declaration, be approached in a spirit of international cooperation and real commitment. Substantial progress had been made at the second meeting on the topic in 1997. It had been agreed that the forum should have a wide mandate with extensive participation by indigenous peoples. One of its main functions would be to set strategies for developing indigenous communities. It should function at a high level within the United Nations, under the aegis of the Economic and Social Council or of the Commission. The time had come to define the mandate,

a task that could be carried out either by the Working Group on Indigenous Peoples, with its wide experience, or by another group set up by the Commission. As for indigenous representation in the forum, his Government agreed with those of other Latin American countries that delegations should be composed of both government representatives and elected representatives of the indigenous people.

23. Argentina was committed to the protection of the rights of indigenous peoples as demonstrated by the 1994 constitutional reform which provided for the cultural, educational, legal and ownership rights of indigenous people. Their lands were inalienable and they would be ceded more land in the future for development and would be involved in the management of natural resources.

24. The national plan for indigenous communities had three basic aspects. One was the restitution of land and the provision of further land for development, through a plan of measurement and assistance. The other aspects of the plan were the legal recognition of indigenous organizations and a programme of education to strengthen the identity of the indigenous communities. The educational plan providing special programmes and the necessary infrastructure for a better education had already been implemented. Such measures were only the first step, but Argentina was committed to the cause of its indigenous peoples and would do everything in its power to achieve the objectives of the Decade.

25. Mr. NAMUNCURA (Chile) said that the adoption of the declaration on the rights of indigenous peoples and the establishment of a permanent forum would constitute major steps forward in the promotion and protection of indigenous peoples' rights, which had for many years been disregarded in his own country, with consequent serious effects on the development of indigenous people, who had long lived in conditions of extreme poverty and social marginalization.

26. Chile's return to democracy had been accompanied by a firm political will on the part of successive Governments to eliminate extreme poverty and social marginalization as soon as possible. One of the measures adopted had been the Indigenous Law of 1993 which had established the National Corporation for Indigenous Development. The Corporation was composed of an equal number of representatives of the Government and of the Chilean indigenous communities and played a role in setting social policy for the indigenous people.

27. Chile had been active in international initiatives in favour of indigenous people, and had hosted the second workshop on the permanent forum for indigenous people. It was to be hoped that the discussions held at that workshop would result in the early establishment of the permanent forum. His delegation had participated in the working group on the draft declaration on the rights of indigenous peoples, and, although there were still some difficulties remaining and greater effort and flexibility were required, progress had been made. His delegation would continue to work with government and indigenous representatives alike towards the completion of the draft declaration before the end of the International Decade.

28. His delegation welcomed the selection of "indigenous education" as the main topic for discussion in the Working Group on Indigenous Populations and

expressed the conviction that the Office of the High Commissioner could make a significant contribution towards the promotion of the rights of indigenous peoples.

29. Mr. FARRELL (Observer for New Zealand) said that, three years after the General Assembly had launched the International Decade of the World's Indigenous People, his delegation was heartened by the progress made in mainstreaming indigenous issues within the major programmes and activities of the United Nations. It urged those agencies and departments that had not yet taken specific steps to honour their commitment to the world's indigenous people to do so.

30. His Government had supported the Decade's goals by making a contribution to the Voluntary Fund for the Decade and the Voluntary Fund for Indigenous Populations. However, concern had been expressed about the standard of management and administration of voluntary funds in the field of human rights and his delegation looked forward to an early follow-up to the recommendations made by the Board of Trustees. Perhaps the most important of the many activities under the Decade was the standard-setting exercise being carried out in the intergovernmental working group on the draft declaration on the rights of indigenous peoples. The contribution of indigenous people and their organizations was fundamental to its success.

31. Domestically, New Zealand had undertaken a number of activities in furtherance of the Decade. A committee of Maori organizations had been established to coordinate efforts, in consultation with the Ministry of Maori Development. Priority had been given to Maori language development and education. In the health sector, New Zealand had hosted the Third Worldwide Healing Our Spirits Conference on indigenous health. The Ministry of Maori Development was beginning a mid-point review of activities under the Decade. Particular focus would be given to the issue of cultural heritage, including Maori language development and the Government was working to identify how the educational system could become more responsive to the needs of Maori.

32. The Treaty of Waitangi was fundamental to the relationship between the Government and Maori. The Government had two key objectives: to address socio-economic disparities between Maori and non-Maori and to reach fair settlements to grievances arising from breaches of the Treaty. Progress on the Treaty claims settlement process had been marked by several major agreements with large tribal groups. The settlement of claims under the Treaty aimed to acknowledge responsibility and atone for past breaches, helping to restore to indigenous New Zealanders their economic base and cultural identity. Recent changes in the electoral system had significantly increased Maori political representation and Maori were currently represented in Parliament on a basis fully equivalent to their population.

33. Ms. TALVET (Observer for Estonia) said that four years of the International Decade had already passed, and the draft declaration on the rights of indigenous peoples had been before the Commission's working group for three years. The work was far from finished; at its third session, the working group had adopted only two articles. The extensive debates on many of the principles of the draft declaration had, however, been useful in clarifying positions and in developing a climate of mutual trust.

34. Concerning the establishment of a permanent forum for indigenous peoples, her delegation took the view that the need for such a forum was self-evident and required no further discussion. The modalities of its functioning needed careful consideration, however. Only with the patience, imagination and good will of all parties could the forum come into being before the end of the Decade. To further the process, the Commission might consider convening an ad hoc drafting group to come up with concrete proposals. Informal consultations among Governments as well as the good offices of the High Commissioner in her role as coordinator of the International Decade might facilitate the task.

35. Mr. RAMOS VELOZ (International Labour Office) said that ILO, which was responsible for the only legally binding international instruments dealing directly with the rights of indigenous and tribal peoples, was pleased to announce that the Netherlands and Fiji had ratified its Convention No. 169, bringing the total number of ratifying countries to 12. ILO had been following the work on the draft United Nations declaration on the rights of indigenous peoples in the spirit of the principle that new international standards should be consistent with earlier ones. It was pleased to observe the development of European Union policy on cooperation with those peoples.

36. The technical cooperation project to promote ILO policy on indigenous and tribal peoples had received a two-year extension as a result of funding by the Danish International Development Aid agency (DANIDA). Some progress had been noted in Asia and, in Africa, the project was exploring a number of possibilities for cooperation with Governments and trade unions to raise awareness of the situation of indigenous peoples in South Africa, Kenya and Cameroon.

37. Among other projects, ILO was contributing to the implementation of the Agreement on Identity and Indigenous Rights included in the Global Peace Accord signed by the Government of Guatemala and the rebels in December 1996, including the application of Convention No. 169, which Guatemala had ratified that same year.

38. ILO would continue working with United Nations bodies and agencies to strengthen cooperation and coordination in order to improve the situation of indigenous and tribal peoples around the world. Each of the various parts of the United Nations system would contribute to that important undertaking in accordance with its own mandate, but they all shared the common objective.

39. Mr. WEBSTER (World Health Organization) said that WHO policy was about people and about respect for their values, capacities and active contribution to and participation in health development; it was about health as both a human right and a human obligation. The member States of WHO were committed to the International Decade of the World's Indigenous People and, at the World Health Assembly in May 1998, would review progress in finalizing a comprehensive programme of action for the Decade.

40. At the Third Worldwide Healing Our Spirit Conference in New Zealand, participants had made a number of recommendations to WHO concerning its actions in the area of indigenous health, mainly in terms of increased

participation of indigenous people in decision-making, programming and strategies. In the Pan American Health Organization, the Health of Indigenous People Initiative had been gathering momentum since 1993.

41. Thus far, the Decade had provided a number of lessons. The congruity between the health needs of indigenous people and the WHO "Health for all" strategy for the twenty-first century was striking. As the Decade gained momentum, so did the concern of the international community to ensure social justice and equity in access to health care. Indigenous people perceived health as part of a whole. Human existence was seen as part of the environment, and life included important spiritual dimensions.

42. Thousands of years of indigenous culture often revealed healing methods that transcended western science. All over the world, there had been a renaissance of those methods as well as efforts to devise social mechanisms whereby the two systems could best complement each other. An impressive range of constitutional and legislative tools had emerged in the process of democratization, along with health policies and research and development initiatives linked to local health systems. There was also considerable activity in the academic sector.

43. WHO fully intended to continue its efforts to remove all barriers to equitable health in partnership with indigenous people and with the international community.

44. Mrs. NOGUEROL ALVAREZ (Observer for Spain) said that the main objective of her country's strategy for cooperation with indigenous peoples was to support all processes for their sustainable self-development whereby they were able to participate in decisions that affected them directly and which, since they implemented those decisions, were based on indigenous culture and appropriate for their environment. Its cooperation programmes with the Latin American States also included projects aimed at indigenous peoples. Spain was vice-chair of the Development Fund for the Indigenous Peoples of Latin America and the Caribbean.

45. Her delegation reiterated its support for the establishment of a permanent forum for indigenous people within the United Nations system, which should have a broad mandate and be financed from the regular budget. One of its main functions would be to define development strategies for indigenous peoples that would guide the design of programmes and projects and would harmonize with national, regional and global policy. The forum could also coordinate the activities of Governments, the specialized agencies and experts on indigenous affairs.

46. One of the most essential aspects was certainly the establishment of a legal and political framework for the forum. Her Government believed that full participation of the indigenous peoples in decision-making was fundamental for its success. Each State with indigenous populations would select two delegates to its plenary meetings, one representing the Government and the other designated by the indigenous peoples. The forum would also have an assembly with a limited number of members (between 13 and 18) composed of

equal numbers of governmental and indigenous representatives, taking into account the criteria of the equitable geographical distribution of indigenous peoples throughout the world.

47. Mr. VOYER (Indian Law Resource Centre) said that indigenous representatives at the United Nations had generally taken the view that the draft declaration should be adopted unchanged. At the last session of the working group, however, several representatives of States had asked indigenous representatives to negotiate on the text of the draft declaration and had proposed specific changes.

48. In deciding how to proceed within the working group, the goal of the drafting process should be clarified. As the indigenous groups saw it, the goal was for the General Assembly to proclaim the strongest and most effective declaration that could actually be adopted by a consensus of Member States. It was the Member States that would vote on the Declaration in the General Assembly. It should also be understood that the indigenous representatives were in no position to negotiate a final text; that the matter involved the fundamental human rights of indigenous peoples and that a declaration should in no case result in limiting those fundamental rights, which were not negotiable.

49. His organization was thus willing to join in an ethical discussion with the representatives of States to bring about the strongest possible declaration that the General Assembly would adopt. If proposed changes were unacceptable, he would so inform the Governments. If discussions on the draft declaration continued, a text was likely to emerge at some future point in time that would be substantially changed from the current one. The indigenous representatives would then have to decide whether or not to support that version and urge countries to adopt it. If the revised text was the best that could possibly be achieved, then the indigenous peoples and organizations should urge its adoption.

50. Ms. OLGUIN (International Indian Treaty Council) said that true partnership was based on mutual recognition and joint decision-making. Indigenous peoples had yet to see such partnership implemented within the national systems in which they lived or incorporated comprehensively and formally into the process of international standard-setting. For example, the recognition of the indigenous peoples' right to development, land rights and right to self-determination had not been incorporated into the Convention on Biological Diversity.

51. That Convention recognized the indigenous peoples' contributions and traditional knowledge but without any corresponding mechanism to safeguard their fundamental rights and protect that knowledge from unwanted commercial exploitation under the mantle of so-called benefit sharing. Commercial appropriation of biological resources and non-sustainable development practices imposed by States and corporations continued unabated, with a catastrophic impact on such problem areas as human rights, the environment, development and health.

52. As yet, there had been little progress regarding the permanent forum for indigenous peoples, a central objective of the Decade. Her organization

supported the proposal by the Government of Denmark to create an open-ended ad hoc group to draw up a draft mandate for the permanent forum. Another key objective was the adoption of the draft declaration on the rights of indigenous peoples and her organization supported the adoption of the text in its current form, with its unqualified use of the term "peoples" and its recognition of the internationally affirmed right to self-determination and of traditional land rights.

53. Mr. ROMO (Franciscans International) said that the failure of many States to recognize in their domestic legislation the rights of the Indian peoples and to respect their systems, customs and traditions still generated major conflicts and even wars. For eight years he had been working in Chiapas in Mexico with the Mayas whose rights were not properly respected. The agreements which the Government concluded with the indigenous peoples, such as the San Andrés Peace Accords with the EZLN, were simply not fulfilled.

54. The particular concern of his organization was in respect of areas, preserved for generations by Indian values and ways of life, where economic systems were preferred to those values because of an illegitimate interpretation of development and progress. It was noteworthy how easily States changed their basic constitutional laws in order to support so-called progress, and the capital flows underpinning it, in the process destroying Indian territories and communal production systems and flouting not only the will of the Indians but also their dignity.

55. Indian systems of justice were likewise underestimated or simply ignored by the legal systems of States which applied their laws without concern even for the language spoken by the Indians. The manifest consequences were the systematic abuse of authority and impunity. Recognition of the rights of jurisdiction of the Indian peoples would guarantee them the full access to justice to which they were entitled by the Universal Declaration of Human Rights.

56. Lack of access to the communications media by the Indian peoples hampered, or indeed prevented, the free exchange of ideas, experience and prospects for the future. Their lives were destroyed by military occupation, and their lands, especially those they considered sacred, were invaded. On 22 December 1997, 45 Tzotzil Indians, most of them women and children, had been massacred in Mexico, and crimes committed every day against indigenous leaders and the population at large went unpunished. His organization thus supported the establishment of a permanent forum for indigenous peoples at the highest level of the United Nations.

57. Ms. PARKER (International Educational Development) said that the situation of the indigenous peoples of Mexico continued to deteriorate following the December 1997 massacre of Tzotzil Indians in Chiapas. Although the Government of Mexico had tried to distance itself from the so-called paramilitary groups involved, eyewitnesses asserted that those groups were directly related to the national military and State police forces, and contradictions apparent in Government-produced reports supported that assertion.

58. Chiapas was under increasing military occupation and the lives of the indigenous peoples there was daily becoming more precarious. Two groups were particularly affected: those forcibly relocated or displaced by the "paramilitary" groups and national armed forces and women who were the victims of sexual aggression and intimidation on the part of military forces.

59. Resolution of the situation required effective respect for the demands of the indigenous peoples of Mexico, beginning with a withdrawal of military and paramilitary forces from Chiapas and other areas, implementation of the San Andrés Accords on the status of Indian peoples in Mexico, reactivation of the dialogue between the Government and the EZLN and respect for the constitutional reforms proposed by the Government Commission (COCOPA), in particular those regarding indigenous peoples.

60. In March 1998, 109 Indian nations in Alaska had written to President Clinton urging that weapons testing involving depleted uranium should not take place on their lands. Nevertheless, on 17 March 1998, two B61-11 nuclear bombs containing depleted uranium were dropped on the Fort Wainwright range within the Stuart Creek watershed of the Indian people. The test violated both the letter and the spirit of the Comprehensive Test-Ban Treaty and the non-proliferation treaties.

61. In Hawaii, the United States and Hawaiian State governments were actively seeking to suppress the sovereignty movement of the Na Kanaka Maoli people, which had never directly relinquished its claim to sovereignty as a people or over its national lands. In the 1890s, agents of the United States Government had overthrown the Kingdom of Hawaii under threat of militarily annihilating the people and, when President Cleveland had sought to restore the Kingdom, the United States Congress had refused and had illegally annexed it.

62. In 1945, the Kingdom of Hawaii had been included as a trusteeship territory under article 73 of the Charter of the United Nations, so the United States had been under an obligation to assist it in restoring its independence; instead, it had unilaterally held statehood elections in which thousands of non-Hawaiian immigrants from the United States had voted.

63. The United States and Hawaiian State Governments had repeatedly committed gross human rights violations against the Kanaka Maoli people, whose elders had, on 20 February 1998, named a King. The international community should direct its attention to the restoration of the sovereignty of the Kingdom of Hawaii.

64. Ms. TANAKA (International Movement against All Forms of Discrimination and Racism) said that the Government of Guatemala was to be commended for endeavouring to put an end to discrimination against indigenous peoples through legal reforms and other means. The United Nations Verification Mission (MINUGUA) had contributed to the process by monitoring human rights violations involving indigenous peoples and assisting State and private institutions in taking action to ensure fulfilment of the commitments under human rights agreements.

65. Nevertheless, the current situation of the indigenous peoples in Guatemala indicated obstacles and limitations to the peace process which had to be overcome by the concerted and persistent effort of the Government, the indigenous peoples and all the national institutions and social sectors. One of the most disturbing elements was the low level of awareness, exacerbated by the low level of literacy, among indigenous peoples regarding the content of the peace agreements, especially in rural areas. The Agreement on Indigenous Rights had been translated into only some of the indigenous languages.

66. Noting that the Working Group on Indigenous Populations would be taking up as one of its main themes during the current year the question of education and languages, she said that the Government of Guatemala should be encouraged to place special emphasis on educational programmes for the indigenous peoples. It was important to empower local organizations of indigenous peoples, provide them with conditions allowing for a sustainable economic and social development compatible with their cultural characteristics, and to ensure that no decisions directly relating to their rights and interests were taken without their informed consent. The current situation in Guatemala required further review by the Commission, so that the necessary assistance and cooperation could be provided to the Government and people.

67. Mr. Hynes (Canada), Vice-Chairman, took the Chair.

68. Mr. PARY (Indian Movement "Tupaj Amaru") said that the draft declaration on the rights of indigenous peoples, the drafting of which had begun 15 years previously, was facing particular challenges: it was the subject of complicated discussions designed to delay its adoption, water down its legal and political scope and postpone indefinitely the fundamental rights of the indigenous peoples.

69. There were substantive differences between Governments and indigenous peoples regarding basic concepts and interpretations of such provisions as the right to self-determination, exercise of the collective right to ownership of lands, permanent sovereignty over natural resources, legal protection of cultural and intellectual property, recognition of the right of indigenous peoples to define themselves as peoples, demilitarization of indigenous land, and the adoption of a code of conduct that would govern the activities of transnational corporations.

70. It was clear that States had little interest in solving the problems facing the world's indigenous peoples. He urged the Commission to amend its resolution 1995/32 so as to give the working group a broader and more precise mandate that would enable it to examine the provisions in depth and approve them with a view to their speedy adoption by the General Assembly before the end of the International Decade. His own organization, like other NGOs, had made some constructive comments and amendments, and he urged the Commission to ensure that the documents in the E/CN.4/1998/NGO series bearing the numbers 31 to 35 were submitted to the next session of the working group.

71. Mr. BULL (International Organization of Indigenous Resource Development), speaking also on behalf of the Four Cree Nations of Hobbema, the Paul Nakoda Nation and the Confederacy of Treaty 6 First Nations, said that the question of a permanent forum for indigenous peoples within the

United Nations system should be finalized during the current year and submitted to the Economic and Social Council for its consideration and approval; referral back to the working group would be contrary to the call for its early establishment.

72. He was very concerned that the indigenous unit had become a victim of the United Nations restructuring process and urged the High Commissioner, in her capacity as Coordinator for the International Decade of the World's Indigenous People, to support an allocation of increased resources to the unit; called on all the Member States to support such an increase; and called on the Commission to recommend that the mid-term review of the International Decade should commence forthwith in accordance with General Assembly resolution 50/157.

73. As for the draft declaration on the rights of indigenous peoples, it should be adopted without amendments. Paragraph 4 in the report of the working group (E/CN.4/1998/106) should be deleted, because it no longer reflected the current status. As the representatives of the indigenous peoples had feared, States were attempting to weaken the current text of the draft declaration. Retrograde proposals were being made by States that had been involved for years in the working group. Annexes I and III should not have been attached to the report because they were discussed at informal sessions on which no records had been kept. His organization thus recommended that the Commission should direct the working group to conclude its activities during the current year, approve the draft declaration as it stood and submit it to the Economic and Social Council for consideration and approval.

74. His organization was looking forward to the forthcoming study on treaties, agreements and other constructive arrangements between States and indigenous populations but was concerned about rumours that the new multilateral agreement on investments had a clause stating that it would override any and all existing treaties. Consequently, as a follow-up to the study on treaties, he suggested that the Commission should propose the holding of a world conference on indigenous treaties and a United Nations meeting of experts to focus on the current status of such treaties.

75. Mr. LYNNE (Inuit Circumpolar Conference) said that, like the other organizations of indigenous peoples, the Conference had accepted the current text of the draft declaration on the rights of indigenous peoples as the minimum international standard required for the protection and promotion of the fundamental rights of those peoples. The declaration had been 11 years in the drafting, and he requested the Commission to adopt it as it stood.

76. His organization regarded the establishment of a permanent forum for indigenous peoples as an effective realization of the principles of the Charter of the United Nations, and saw no obstacle to it being established within the framework of the Economic and Social Council and composed of equal numbers of representatives of indigenous peoples and Governments.

77. Mr. Selebi (South Africa) resumed the Chair.

78. Ms. SKUM (World Council of Churches) said the Commission had persistently broken new ground within the United Nations structure through the

activities of the Working Group on Indigenous Populations to which the representatives of indigenous communities had had access in a way not possible elsewhere. Such access, albeit much more limited, had also been possible within the open-ended inter-sessional working group on the draft declaration on the rights of indigenous peoples. The participation of those representatives constituted an enormous contribution to the work of the United Nations in terms of both financial and human resources.

79. The establishment of a permanent forum for indigenous peoples was a matter that needed to be expedited. It must be a partnership, not a concession by Governments to pressure from indigenous peoples. She endorsed the proposal by the Government of Denmark that an ad hoc inter-sessional group be established to explore the mandate, structure and implementation of the permanent forum. The indigenous peoples should be fully represented in that process.

80. Mr. PEREZ (American Association of Jurists), having welcomed the Commission's decision to add to its agenda an item specifically devoted to indigenous issues and stressed the importance of involving representatives of the indigenous peoples in decision-making on those issues at all levels, said he hoped that the Commission would decide to set up an ad hoc group composed of representatives of indigenous peoples and Governments to consider all aspects of the establishment of a permanent forum for indigenous people. It should also renew the mandate of the open-ended inter-sessional working group to elaborate a draft declaration on the rights of indigenous peoples.

81. While it was encouraging to note that some slight advances had been made towards the legal recognition of the rights of indigenous peoples in Mexico, Guatemala, Colombia and Ecuador, the real-life conditions of those peoples continued to give grounds for serious concern. In most Latin American countries, the economic and social rights of indigenous populations were being constantly eroded by the privatization policies increasingly espoused by Governments. Their rights were being violated by both national and transnational companies and their leaders were being assassinated, tortured and subjected to intimidations and threats by paramilitary groups. All initiatives to encourage dialogue and negotiations between the Governments of those countries and the indigenous peoples themselves should be encouraged.

82. In particular, his organization considered that the Commission should continue to study the human rights situation in Guatemala as a means of strengthening the peace process in that country, in the interests of the indigenous peoples who accounted for the majority of the population.

83. Mr. ARIAS (International Work Group for Indigenous Affairs) said that representatives of indigenous organizations from Central and South America had played an active part in all stages of the discussion on the establishment of a permanent forum for indigenous people within the United Nations system. On the basis of the various meetings and discussions, his organization recommended that the Commission should establish an ad hoc group to draw up a draft mandate for the permanent forum and to report to it at its fifty-fifth session, the possibility of referring the matter to the Economic and Social Council for consideration and adoption being borne in mind.

84. As for the draft declaration on the rights of indigenous peoples, he recalled that the General Assembly had stated that the adoption of such a declaration was a major objective of the International Decade of the World's Indigenous People. A general evaluation of the progress made in the framework of the Decade and in implementation of the relevant General Assembly resolutions, with particular reference to the draft declaration, should be undertaken with a view to meeting the expectations of the world's indigenous people before the year 2004.

85. Ms. DEGAWAN (Asian Buddhist Conference for Peace) said that, five years after the Vienna Conference, little had changed for the world's indigenous peoples in terms of the recognition of their basic rights. In fact, the situation of many of them was rapidly deteriorating because of the global trend towards liberalization of trade. In her own country, the Philippines, the enactment of a new law supposedly recognizing the rights of indigenous peoples was seen by the people concerned as yet another means of facilitating exploitation of the resources of their ancestral lands. Many indigenous people were being forced off their land without any provision for relocation or compensation, the Government disclaiming all responsibility because the projects in question were being operated by private companies.

86. It was thus imperative that the United Nations should adopt the long-delayed international declaration on the rights of indigenous peoples and should resist the efforts of certain Governments to redraft the text of the declaration in terms more favourable to their policies of assimilating the indigenous peoples.

87. The proposal for a permanent forum for indigenous peoples within the United Nations system was another issue that required urgent action by the Commission. The Government of Denmark had suggested that an ad hoc body be established to prepare proposals for consideration by the Commission, at its next session, on the basis of recommendations by Governments, United Nations bodies and indigenous peoples. In that connection, she urged the Commission to ensure that the representatives of the indigenous peoples were given the possibility of participating in all the discussions relating to their survival.

88. Mr. HUILCAMAN (Anti-Slavery International) said he wished to draw attention to the report of the second workshop on a permanent forum for indigenous people within the United Nations system held in accordance with Commission resolution 1997/30 (E/CN.4/1998/11 and Add.1) and, more particularly, to chapter IV of the addendum containing the declaration of the first international indigenous conference on that topic held at Temuco, Chile, in May 1997.

89. His organization fully associated itself with that declaration and with the views reflected in paragraph 34 of the first part of the report (E/CN.4/1998/11) that the Commission should, at its current session, consider how to further the process of establishing the permanent forum. In that connection, he expressed appreciation of the suggestion by the Government of Denmark that an ad hoc working group be set up for the purpose and hoped that other Governments, and in particular the Government of Chile, would support that initiative.

90. Mr. LORD (Canada) said that, as a concrete expression of the high priority his Government attached to the adoption of a draft declaration on the rights of indigenous peoples, his delegation would introduce a resolution authorizing the open-ended inter-sessional working group to meet for a period of 10 working days prior to the Commission's fifty-fifth session.

91. The working group's third session might be regarded as a success, but a good deal of work remained to be done. In particular, the working group would have to address the amendments to articles 15 to 18 proposed by several States. To sustain the positive momentum already achieved, his delegation would continue its dialogue with indigenous officials and leaders in Canada in preparation for the next session of the working group.

92. His delegation would also be a sponsor of the annual combined resolution on the Working Group on Indigenous Populations and the International Decade on the World's Indigenous People. It welcomed the Working Group's ongoing consideration of the themes of the Decade and had endeavoured to make useful practical contributions to the consideration of the theme of "Health" by providing an opportunity for indigenous experts from Canada to participate in the Working Group and to share their experiences and expertise. It looked forward to taking up the Decade theme of "Education and Language" at the next session of the Working Group and, in that connection, suggested that the Office of the High Commissioner, and the Working Group might consider organizing joint exhibits on education issues. His delegation also supported the use of voluntary funds to ensure the participation in education issues of experts from indigenous communities around the world.

93. In cooperation with indigenous organizations, his Government had developed a national plan of action, with a strong orientation towards education and communications, to commemorate the Decade. The implementation of the various components of the plan was currently in preparation.

94. Recalling that partnership-building was one of the Decade's most important elements, he informed the Commission that his Government had, in January 1998, launched a plan entitled "Gathering Strength - Canada's Aboriginal Action Plan" and had presented a Statement of Reconciliation formally acknowledging and regretting historic injustices experienced by indigenous people and apologizing to the victims of sexual and physical abuse in the residential school system.

95. To underscore that commitment, the Canadian Minister of Indian Affairs and Northern Development had announced that the Government was committing 350 million Canadian dollars to support the development of community-based healing as a means of dealing with the legacy of abuse. Also in January 1998, a former Grand Chief of the Federation of Saskatchewan Indian Nations had been appointed counsellor for international indigenous issues.

96. Ms. RYKOVA (Russian Federation) said that the numerous indigenous peoples living in her country's territory enjoyed the full right to participate in public life and in the activities of national and local organs of government. Her delegation attached great importance to the draft declaration on the rights of indigenous peoples being elaborated within the

working group set up in accordance with Commission resolution 1995/32 and welcomed the progress achieved as well as the growing mutual understanding between States and representatives of indigenous peoples.

97. Only a spirit of partnership could bring the positions held on the more complex aspects of the draft closer together, and her delegation therefore associated itself with the High Commissioner's appeal for an open dialogue and with the view that the draft declaration reflected the recognition of a new generation of rights.

98. On the issue of a permanent forum, she noted the positive results of the Santiago Workshop on the subject and endorsed the Secretary-General's observations concerning the very restricted scope of United Nations activities relating to indigenous peoples. In that connection, her delegation considered that the time was ripe to embark upon the elaboration of a mandate for a permanent forum, but saw no need to refer that task to an expert body of any kind.

99. Stressing her Government's support for the programme of activities for the International Decade of the World's Indigenous People, she outlined the work being done by the national organizing committee set up in her country in that regard. So far as the legal protection of the indigenous peoples in the North of the Russian Federation was concerned, more than 150 Acts and other legal norms had been adopted since 1990. The system of State support for indigenous areas had recently been reformed, as had the system of pre-school and primary school education in those areas. A decision to lower the retirement age for indigenous people was to be taken in the current year and a number of other laws designed to promote the interests of indigenous people were under consideration at both the federal level and the level of the Federation's constituent entities.

The meeting rose at 1 p.m.